

FILED

SEP 29 2015

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR
AGENCY ACTION OF FIDELITY
EXPLORATION & PRODUCTION COMPANY
FOR AN ORDER ESTABLISHING A SPECIAL
DRILLING UNIT FOR THE CCU 7-1-26-20
HORIZONTAL WELL FOR THE PRODUCTION
OF OIL AND ASSOCIATED GAS AND
HYDROCARBONS FROM THE PARADOX
FORMATION COMPRISED OF LOTS 9 AND 10,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ AND SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF
SECTION 6, AND NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 7,
TOWNSHIP 26 SOUTH, RANGE 20 EAST, SLM,
GRAND COUNTY, UTAH

**MOTION FOR LEAVE TO FILE
EXHIBITS OUT OF TIME**

Docket No. 2015-027

Cause No. 166-06

COMES NOW, Fidelity Exploration & Production Company ("Fidelity"), acting by and through its attorneys, MacDonald & Miller Mineral Legal Services, PLLC, and pursuant to Utah Admin. Code Rule R641-105-300, and hereby requests the Board of Oil, Gas and Mining (the "Board") for leave to file its exhibits in this Cause out of time. Under the Board's rules, Fidelity's exhibits were due by close of business, Monday, September 28, 2015. Fidelity's undersigned counsel, however, was in Boston, Massachusetts, attending to an unforeseeable family medical emergency which prevented him from making a timely filing of the exhibits on Fidelity's behalf.

Exhibits filed later than 30 days before the scheduled hearing date may be allowed by the Board upon good cause shown (*see* Utah Admin. Code Rule R641-105-500). At this time, there have been no responses filed and no party has yet otherwise made a

formal appearance. Given the circumstances outlined above, and especially since the Exhibit filing made concurrently herewith is only one day after the deadline, no party should be unduly prejudiced by the granting of the leave requested herein. Consequently, Fidelity respectfully requests this Motion for Leave be granted and Fidelity's exhibits filed concurrently herewith be accepted for consideration at the October 28, 2015 hearing as if having been timely filed. Presuming the Board concurs, a proposed Order Granting Leave is submitted herewith.

Respectfully submitted this 29th day of September, 2015.

**MACDONALD & MILLER MINERAL
LEGAL SERVICES, PLLC**

By: 

Frederick M. MacDonald, Esq.

Attorneys for Petitioner Fidelity Exploration &
Production Company

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF FIDELITY EXPLORATION & PRODUCTION COMPANY FOR AN ORDER ESTABLISHING A SPECIAL DRILLING UNIT FOR THE CCU 7-1-26-20 HORIZONTAL WELL FOR THE PRODUCTION OF OIL AND ASSOCIATED GAS AND HYDROCARBONS FROM THE PARADOX FORMATION COMPRISED OF LOTS 9 AND 10, SE¼NW¼, E½SW¼, W½SE¼ AND SE¼SE¼ OF SECTION 6, AND NE¼NE¼ OF SECTION 7, TOWNSHIP 26 SOUTH, RANGE 20 EAST, SLM, GRAND COUNTY, UTAH

**ORDER GRANTING LEAVE TO
FILE EXHIBITS OUT OF TIME**

Docket No. 2015-027

Cause No. 166-06

The Board of Oil, Gas and Mining, having fully considered Fidelity Exploration & Production Company's ("Fidelity's") Motion for Leave to File Exhibits Out of Time filed on September 29, 2015, and finding good cause therefor, hereby grants said Motion and accepts Fidelity's Exhibits filed concurrently with the Motion for consideration at the October 28, 2015 hearing as if they had been timely filed.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

DATED this ____ day of _____, 2015.

**STATE OF UTAH
BOARD OF OIL, GAS AND MINING**

By: _____
Ruland J. Gill, Jr., Chairman